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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,211	01/28/2002	Satoru Funakoshi	7372/72577	6904

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CHICAGO, IL 60603-3406

EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/08/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-8

**Office Action Summary**

Application No. 10/056,211		Applicant(s) FUNAKOSHI, SATORU	
Examiner Catherine Simone		Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “formed in one piece together” is deemed vague and indefinite.

Clarification is requested.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4 and 6** are rejected under 35 U.S.C. 102(b) as being anticipated by Labrie (4,892,770).

Labrie discloses a thermoplastic resin foam molding comprising a substrate (Fig. 6, #16) and a projection (Fig. 6, #54) formed in one piece together with the substrate wherein the substrate has a foam layer (Fig. 6; also see col. 2, lines 16-18) and a skin layer (Fig. 6, #12; also see col. 2, lines 16-18) containing no voids wherein the ratio (R/L) of the curvature R of a joint between the projection (Fig. 5, #54) and the substrate (Fig. 6, #16) to the thickness L of the skin

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layer (Fig. 6, #12) is inherently from 3 to 50. Regarding **claim 2**, the foam layer (Fig. 6, also see lines 16-18) of the substrate inherently has a density of  $\rho$  0.7 g/cm<sup>3</sup> or less. Regarding **claim 3**, a joint between the substrate (Fig. 6, #16) and the projection (Fig. 6, #54) inherently has a foamed ratio of from 1 to 1.3 times. Regarding **claim 4**, note the projection (Fig. 6, #54) inherently has an average foamed ratio of from 1 to 1.3 times. Regarding **claim 6**, note the thermoplastic resin foam molding is that for automotive interior (see col. 1, lines 9-11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Labrie (4,892,770) in view of Masubuchi et al (EP 0 925 895).

Labrie discloses a thermoplastic resin foam molding comprising a substrate (Fig. 6, #16) and a projection (Fig. 6, #54) formed in one piece together with the substrate wherein the substrate has a foam layer (Fig. 6; also see col. 2, lines 16-18) and a skin layer (Fig. 6, #12; also see col. 2, lines 16-18) containing no voids. However, Labrie fails to disclose the thermoplastic resin being a propylene-based resin whose Izod impact value at 23°C is 10 KJ/m<sup>2</sup> or more. Masubuchi et al teaches it is old and well-known in the analogous art to have a propylene-based resin whose Izod impact value at 23°C is 10 KJ/m<sup>2</sup> or more (see page 3, lines 7-18) for the purpose of producing a thermoplastic resin foam molding for automotive interior.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided a propylene-based resin whose Izod impact value at 23°C is 10 KJ/m<sup>2</sup> or more in Labrie as suggested by Masubuchi et al in order to produce a thermoplastic resin foam molding for automotive interior.


***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents are cited for further teachings of thermoplastic resin foam moldings similar to that instantly disclosed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-4297. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Catherine Simone  
Examiner  
Art Unit 1772

April 4, 2003

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 4/4/03